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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Eighth session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 24 May 1993, at 3 p.m.

Chairperson: Mr. ALSTON

later: Mr. MUTERAHEJURU

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GE.93-16726 (E)

The meeting was called to order at 3.20 p.m.

ORGANIZATION OF WORK (agenda item 2) (continued)

1. Mr. TEXIER, referring to the general discussion on the rights of the ageing and elderly, asked whether a general comment was to be prepared on the subject; if so, he suggested that there should be further discussion prior to its preparation.

2. Mrs. JIMENEZ BUTRAGUEÑO endorsed that suggestion and indicated that she could submit a draft list of issues which might serve as a basis for further discussion.

3. The CHAIRPERSON said that there was obviously a need to return to the subject in the course of the current session, if time permitted, to determine whether a general comment was to be drafted and, if so, the relationship it should have to any additional matters to be included in the Committee's guidelines. It had become evident from the discussions that there was a gap in United Nations action in that area as the situation of the elderly had not been significantly addressed from a human rights perspective, and that there were still some important matters of principle that needed reflection.

4. Mr. Muterahejuru took the Chair.

CONSIDERATION OF REPORTS (agenda item 5) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Australia (E/1990/7/Add.13)

5. At the invitation of the Chairperson, Mr. Jones, Mr. Clarke and Mr. Willis took places at the Committee table.

6. Mr. JONES (Australia) said that when considering matters relating to social, cultural and economic rights in the context of Australia, it was important to bear in mind the federal nature of that country's Government. In education, for example, the Federal Government played an important role in determining the level of funding to be made available, but the six States and two Territories of Australia had considerable autonomy in the administration of educational institutes, the employment of teaching staff and the implementation of educational policy generally.

7. Mr. CLARKE (Australia), drew attention to his country's second periodic report (E/1990/7/Add.13), noted that in the period since its preparation in 1991-1992, there had been further progress in a number of areas of concern to the Committee, particularly in relation to disadvantaged groups. As the previous speaker had said, the federal system in Australia meant that there was considerable autonomy on the part of States and Territories in the field of education, and it was therefore something of a challenge to assemble information on developments in the different parts of the country. In that respect there had been considerable progress in the form of increased coordination among State governments.

8. The National Report on Schooling in Australia and its Statistical Annex, copies of which would be available for consultation by members of the Committee, would provide the Committee with considerable information and data relevant to its work. He would be referring to relevant sections of the two volumes in his replies to the list of issues raised by the Committee in document E/C.12/1993/WP.1.

9. To date, very few statistics had been available in relation to Aboriginal education. However, the Australian Government had decided that later in 1993 a task force, which he would be leading, would identify available statistics in that area, and that subsequently a national committee would be appointed to review them and to advise State governments on steps to be taken to improve Aboriginal education.

10. He drew attention to the 10 national goals and objectives for schooling set out in the National Report on Schooling in Australia. They included: providing an excellent education for all young people, which developed their talents and capacities to full potential and which was relevant to the social, cultural and economic needs of the nation; promoting equality of educational opportunities and providing for groups with special learning requirements; providing a foundation for further education in terms of knowledge and skills, respect for learning, and positive attitudes for life-long education.

11. Referring to the first of the list of issues contained in document E/C.12/1993/WP.1, he said that few statistics were currently available on Aboriginal students living in very isolated areas. However, the task force to which he had referred would identify relevant statistics on the basis of data extracted from the 1991 population census. On the basis of overall participation in education in Australia, however, it could be noted that the rate of participation in compulsory education was very high - between 99 and 100 per cent. It could therefore be assumed that the vast majority of Aboriginal students were attending school, bearing in mind that they represented a small percentage of the total population and that further work would be required to determine whether there were pockets of young people not participating in education. For Aboriginal students as well as non-Aboriginal students living in relatively isolated areas, he referred to table 11 (B) of the Statistical Annex, which showed completion rates of students to the final year of education (year 12). Statistics on completion rates to the final compulsory year of education (year 10) were not however available. For all students, the rate of retention to the final year of schooling had risen from 36 per cent in 1985 to 52 per cent in 1991. Statistics were not available concerning children of transient communities. For information on migrant workers and other immigrants, he referred the Committee to page 5 of the National Report on Schooling in Australia, which stated that the research evidence indicated that a larger proportion of young people of non-English speaking background had completed year 12 than other young people, although there could be variations between different ethnic groups within that general pattern. In the late 1980s, about 54 per cent of Australian-background students had completed year 12, compared to 60 per cent of those from non-English speaking backgrounds. When considering children living below the poverty line, national statistics were categorized in terms of three percentiles - from low through medium to high socio-economic status.

There had been a dramatic improvement in the low socio-economic status group in terms of students completing the final year of non-compulsory education (61 per cent in 1991 as compared with 39 per cent in 1985), while the percentage of students of high socio-economic status had increased to 80 per cent in 1991 as compared to 58 per cent in 1985. Statistics were not currently available in relation to children who were physically or mentally disabled.

12. Turning to paragraph 2 of the list of issues concerning measures and progress in terms of basic skills, retention rates, subject choice and post-school destinations, it should be noted that in Australia, as in other countries, there had been considerable discussion among educationalists on the matter of testing basic skills. While agreement had not yet been reached on the matter, the Federal authorities were working together with State governments to obtain better accountability of progress. A project had been agreed with State governments which would address equity issues in terms of patterns of student performance in selected subjects at senior secondary level, with a view to establishing the implications for both policy and practice in curricula and assessment. Further information in that area would be available for his country's next report. Reference had already been made in his introductory remarks to retention rates, while data were available on subject choice and post-school destinations in tables 12 and 13 respectively of the Statistical Annex, which compared 1991 and 1986 statistics broken down by gender. The data available were not, however, broken down into the seven groups referred to in the Committee's list of issues.

13. Regarding paragraph 3 of the list of issues, the Federal Government had decided to undertake a national review of education later in the year to examine the effectiveness of Aboriginal participation in decision-making and monitor progress in achieving equity between Aboriginal and non-Aboriginal students with regard to access to education, participation and the outcomes of education, together with more in the way of statistics. Fuller details would be provided in Australia's next report. Meanwhile, Aboriginals and Torres Strait Islanders were still the most disadvantaged group in society, so the Government was providing substantial additional funds for their educational needs and would continue to do so, in cooperation with State governments.

14. On paragraph 4, he was able to report considerable success in negotiating a new strategy with all the States and Territories, entitled the National Action Plan for the Education of Girls 1993-1997, with the aim of improving subject choice for girls and young women. The intention was to raise awareness of the needs of girls, to establish equal access on choice, to ensure a supportive school environment and to provide equitable resource allocation. Performance indicators and appropriate statistics under each heading would be required from each State for the years 1993 to 1997. He added that some progress had already been made: for example, between 1986 and 1991 the number of girls studying mathematics had risen from 19.2 per cent to 22.8 per cent, those studying business and economics from 12.4 per cent to 14.7 per cent and computer studies from 0.3 per cent to 1.8 per cent. He also noted that females consistently recorded higher retention rates: between 1985 and 1991 the rate had risen from 49 per cent to 75 per cent, whereas for males it had risen from 41 per cent to 63 per cent.

15. With regard to paragraph 5, he said that the Government had charged the Higher Education Council and the National Board of Employment, Education and Training with the task of regularly reviewing and recording the working of the Higher Education Contribution Scheme (HECS). Their findings were that most qualified applicants from all socio-economic groups were not deterred by the need for making contributions. The expansion of higher education places had resulted in an extraordinary growth in participation, but proportionally speaking there was little difference in the socio-economic composition of entrants. The absolute number of working-class students, however, had increased and the Government was negotiating with higher education institutions to further successful participation by those students by providing special entry arrangements, child care facilities, bridging courses, additional tutorial assistance and information and awareness programmes.

16. As for paragraph 6, Australia's language and literacy policy, dating from 1991 had recognized the importance of proficiency in English. To that end Australia was providing an additional $142 million under its 1992-1993 budget for additional funding of English as a second language, which represented a substantial increase on the previous year's expenditure of $114.5 million. Since 1992 people entering the country had been legally entitled to tuition. Fees were charged in some cases, but refugees and humanitarian entrants, as well as preferential family migrants, were exempt. After 1993 new migrants who had been assessed as having less than functional English, and who had paid or been exempted, were entitled to tuition for 510 hours, or until they were functionally proficient, whichever came sooner. Proficiency was understood to mean the ability to deal with most social and some work situations, but without a thorough or confident command of the language. Of migrants arriving in 1991-1992 and needing tuition, 76 per cent had completed their courses by January 1993. Of 30,000 migrants assessed in 1990 and 1991, 72 per cent had recorded language gains. Women consistently formed the majority of participants, with a share ranging from 53.5 per cent in 1987 to 55.5 per cent in the first term of 1993. A dip in 1992 had reflected the priority given for a short period to unemployed people, at which time men had predominated. The policy had been revised in 1993.

17. Turning to paragraph 7, he remarked that Australia enjoyed a diverse schooling system. The diversity, which was particularly apparent in the non-governmental sector, comprising 25 per cent of the total, demonstrated the multiculturalism of Australian society. As a specific example he cited Catholic schools, with their emphasis on religious studies. He added that the 10 general goals of schooling, which he had mentioned in his opening remarks, were seen as providing a framework for the national curriculum, developed over eight key learning areas in cooperation with State governments. Implementation would be the responsibility of State Ministers of Education and the independent schools.

18. Regarding paragraph 8, he pointed out that teachers were employed by State governments or by independent schools and that conditions of service therefore varied widely. There had, none the less, been considerable progress over the previous year on improving conditions generally. Efforts were being

made to achieve greater recognition of the value of teachers and their critical role in the economic and cultural development of his country. Details on salary rates could be found in the Statistical Annex.

19. Turning to paragraph 9, he said that in his country's second report emphasis had been placed on the work done for disadvantaged students. More needed to be done, and the Government was negotiating with States a national equity strategy to improve the lot of the one million students (out of a total of three million) who were disadvantaged in some way. The factors most likely to make the educational experience less rewarding and effective than that of their contemporaries included poverty, low socio-economic background, being an Aboriginal or a Torres Strait Islander, living in an isolated rural area, having a disability, coming from a non-English speaking background, or suffering from poor literacy, family breakdown, drugs, violence and abuse. Children who left school early were twice as likely to come from a low socio-economic background and from a single-parent family. They were four times less likely to have a parent with a university degree. They were also more likely to be disabled or to come from a non-English speaking background. Equity funding was of assistance in removing the barriers to such children's progress.

20. Regarding paragraph 10, he referred the Committee to the Statistical Annex, tables 3 (A) and 4. He added that the number of schools in the government and Catholic sectors had remained constant, whereas other sectors had grown, particularly in the area of Christian schools set up by the smaller denominations and Aboriginal schools. On paragraph 10 (b), regarding student enrolment and 10 (c) (public funding), he referred the Committee to tables 3 (B) and 19 and 20 of the Statistical Annex. On paragraph 10 (d) he said that the demographic characteristics of government schools in relation to fee-paying schools were very diverse: a fee-paying school might be situated in an area of high socio-economic status but have a wide catchment area. In some States the catchment areas of government schools had been dezoned to give parents a greater choice. He added that school enrolments in the inner cities were declining, with a consequent decline in government funding as schools closed. There were also some areas of growth, but usually in the outer suburbs, where schools were serving families with young children. The Government was anxious not to waste resources. If a community wanted to start an independent school, funding was approved only in areas showing constant or growing enrolment.

21. In response to paragraph 11 (a), he said that the extent to which payment was insisted on varied from school to school. Payment for excursions was always required, although assistance was given to the most disadvantaged by State governments and private charities. A notable example of the latter was the Smith family, with their organization Educate, which provided $300 grants and counselling services and had been most successful in raising student participation. On paragraph 11 (b), he said that free education was a principle throughout Australia and that fees for additional items were indeed voluntary. He was unable to answer the questions in paragraph 11 (c) and (d), as no data on those matters were being collected. Regarding paragraph 11 (e) he said that there was relatively little private sponsorship of government

schools: local firms might subsidize school teams or advertise in school magazines, among other schemes. Sponsorship varied from State to State, but Ministers of Education had agreed a national code on sponsorship.

22. In reply to paragraph 12 (a), he said that additional funding for students from disadvantaged groups in 1991 had amounted to $239 million of federal funds (9.5 per cent of total government expenditure on schools); that figure excluded income support for students. Regarding paragraph 12 (b), he said that 17 per cent of government outlays on school-level education went on non-government schools. There was no uniform method of allocation. Federal expenditure was based on the need of schools, as was some State expenditure; others preferred a flat rate of subsidy. He referred the Committee to tables 23 (A) and (B) of the Statistical Annex for details of subsidy schemes.

23. With regard to paragraph 12 (c) of the list of issues, in 1993 the Federal Government had moved to using the average recurrent cost of educating a student at a government school as its base for the funding of non-government schools. Previously, a derived reserve configuration called the "community standard" had been used as the funding base. Because the average recurrent cost of educating a student at a government school had only recently become the benchmark, data on the number of non-government schools operating above that level had not yet been compiled, but pages 45 to 48 of the Statistical Annex would provide some figures.

24. Turning to paragraph 13, he said that there was no discrimination in Australia between government and non-government schools with regard to education in terms of the operation of the legislation, namely the Disability Discrimination Act 1992, the Racial Discrimination Act 1975 and the Human Rights and Equal Opportunities Commission Act 1986. The Sex Discrimination Act 1984, however, provided an exception for discrimination on the grounds of marital status or pregnancy in the provision of education or training by educational institutions that were conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed. The exception was limited to circumstances where the person who discriminated did so in good faith in order to avoid injury to the religious susceptibilities of followers of a religion or creed. The exception had been inserted in an attempt to balance the Australian Government's desire to achieve equality in education with recognition of the right to freedom of thought, conscience and religion. The Government was at present considering whether that exception should be narrowed. The legislation of the eight State and Territory governments contained similar provisions. For instance, private educational authorities in the State of New South Wales were excepted from the provisions prohibiting discrimination on the grounds of sex, marital status, physical or intellectual impairment or homosexuality. No such exception existed, however, in relation to racial discrimination. In the State of Victoria, where an educational institution was administered in accordance with the precepts of a particular religion, sexual discrimination was not unlawful if it was based on the precepts of that religion and arose in the course of administering the institution.

25. In reply to paragraph 14 (a), he said that people with disabilities were one of the six groups identified as disadvantaged with respect to higher education. Institutions had implemented a wide range of strategies such as

the provision of special equipment and facilities, advisers and contact people to help students with disabilities, the modernization of materials and curricula, flexible timetabling and assessment arrangements, and awareness programmes on the opportunities available in higher education. Special funding had been earmarked for 1991, 1992 and 1993 for cooperative projects among groups of institutions in developing comprehensive support programmes. There were now higher education disability networks in every State and Territory, with collaboration at national level.

26. In order to establish baseline data, in 1992 the Australian Government had commissioned a study on the additional costs of education and training for people with disabilities, which examined the number, characteristics and special requirements of people with disabilities in post-secondary education and training and the additional costs for such students in undertaking their studies. The study had found that some 5,000, or 0.9 per cent of the total higher education population with disabilities, were participating in higher education in 1992. While those data suggested that that group was still under-represented in higher education, much effort had been expended to increase their successful participation.

27. On paragraph 14 (b) of the list of issues, he said that the level of support services available to school students was more comprehensive than that currently available to those in higher education. The major barriers seemed to relate to the transition from school to higher education and the provision for support while undertaking a higher education course, rather than to the lack of achievement at the school level.

28. With regard to paragraph 14 (c), the Federal Government provided additional funding for students with intellectual or physical disabilities. In 1991, 27.6 per cent of Australia's expenditure on targeted programmes had been spent on special education, amounting to $66 million. Accurate data were not available on the number of students with intellectual or physical disabilities, because of the lack of nationally-accepted definitions of disability and the differences between States in the organization of special educational and related services. However, the Australian Government had commissioned a study of educational provisions for students with disabilities, whose major aim would be to provide information on Australia's agreed national goals, with special reference to that of promoting equality of educational opportunities and providing for groups with special learning requirements. It was expected that the information gathered during that study would mitigate the lack of accurate comparative data.

29. With regard to paragraph 14 (d), as he had already indicated, one of the difficulties in tracking students with disabilities across the sectors was lack of comparable data. In higher education the Australian Government was working with tertiary institutions to develop baseline data and reporting on outcomes. An equity plan now formed part of the educational profile of each tertiary institution, and indicated strategies to be used to achieve targets and measure performance. In 1993 a grant of approximately $4 million would be available to improve the access of disadvantaged groups, including people with disabilities. Provision for such people varied from State to State, and $200,000 had been allocated in 1993 to continue developing a national action plan for people with disabilities in vocational education and training, to

match the provision of States for people with disabilities and to draw them into a national strategic plan. The Government also provided a disabled apprentice wage subsidy.

30. In reply to paragraph 14 (e) of the list of issues, he said that since the early 1980s the integration of students with disabilities into regular classes had increasingly become the norm. As a result teacher-training courses incorporated guidance to assist them in meeting the educational expectations of students with disabilities. While the inclusion of special education units in professional training of general classroom teachers was still largely voluntary, in at least one State some mandatory special education study was required in order to obtain the necessary teacher registration certificate. That trend was expected to accelerate.

31. In 1992 Australia had contributed to an OECD project entitled "Active life for disabled youth" through a national study that included students with disabilities in regular classrooms, focusing on exemplary professional development strategies for regular classroom teachers. Teacher quality was a major policy objective for the Federal Government. Government objectives were set out in the document entitled Teacher Access, and the policy included funding of up to $130 million over the next three years, and provision for teachers to upgrade their skills, including $60 million for a national professional development programme.

32. Paragraph 15 of the list of issues requested a discussion of the adequacy or inadequacy of the budget for education to effect real educational improvement for students in poor communities. The Federal Government invested $1 billion a year in school equity. That sum was equally divided between income support for poorer students and discrete equity programmes. The federal commitment to equity had increased over the past three years with the expansion of programmes such as the Disadvantaged Schools Programme, the Country Areas Programme, and the introduction of new programmes like the Students at Risk Programme to assist students in danger of leaving school prematurely. The State governments also made further contributions, but there was no clear national picture at that stage. The national strategy for equity in schools to which he had referred earlier would clearly state the national commitment to schools equity and would outline goals and outcomes. The Federal Government was committed to the implementation of that programme as a public responsibility. That development would provide a meaningful answer to the question over the next three years.

33. The CHAIRPERSON thanked the Australian delegation for its replies and invited members to put further questions.

34. Mr. ALVAREZ VITA noted that paragraph 14 of the report (E/1990/7/Add.13) stated that copies of it were available to members of the public and organizations on request. How many members of the public had shown an interest in receiving copies of the report? The reply would give him an idea of the degree to which human rights interested Australians.

35. In connection with paragraph 19 of the report, which stated that some schools, generally the Catholic schools, waived or reduced fees for low-income

families wanting a religiously-based education for their children, he asked what percentage of Catholic schools reduced fees and to which socio-economic level of families would the reduction apply.

36. Paragraphs 44 to 50 of the report dealt with the measures taken to make free primary education accessible to all. He asked how many indigenous languages existed in Australia, and whether there was any teaching in those languages or only in English. Were there Aboriginal teachers or did teachers go out to Aboriginal communities?

37. With respect to the prohibition of the importation of goods that were blasphemous, indecent or obscene (para. 310 of the report), he asked what criteria were used to decide whether something was blasphemous, indecent or obscene and whether "blasphemous" was considered in relation only to Christianity or also to Islam.

38. Mr. GRISSA pointed out that the issue of the cultural rights of minorities (art. 15 of the Covenant) had not been addressed in the oral presentation.

39. He asked for clarification of the educational rights of the minorities in Australian External Territories like Christmas Island and the Cocos Islands.

40. Since the motivation for higher education was job opportunities, he asked what job opportunities were open to Aboriginals and whether there was discrimination against them in practice, regardless of the law.

41. Mrs. IDER asked what percentage of secondary and higher education was funded by the Government and States and what percentage from private sources. She also wished to know what percentage of legitimate demand for university education was satisfied. How many passed the necessary tests?

42. The statistics in the report showed that in aboriginal areas only 60 per cent of the population received primary education. She therefore wondered whether there was any possibility of securing primary or secondary education at a later stage in a non-formal way.

43. Was there any legal redress for an individual when the right to education and higher levels could not be implemented? Had any cases been brought and with what outcome?

44. How expensive was it for an Australian national or a foreigner to pay for higher education from his/her own pocket?

45. Mr. RATTRAY wished to know whether there was any evidence of a difference in the quality of the education dispensed by the government and non-government schools. Noting that 25 per cent of all Australians attended non-government schools, he asked what percentage of Aboriginals attended such schools, and what proportion of university entrants came from government and non-government schools respectively. He also asked for clarification of the concept of "voluntary fees", and of the social and cultural impact of such payments on persons required to make them. Might it not be considered that the

introduction of fees for higher education represented a retrograde step, in the light of the Covenant's aim of "progressive introduction of free education" (art. 13 (2) (b))?

46. With regard to disadvantaged groups, he asked whether any strategy existed to reduce the disparity between the range of curriculum subjects traditionally studied by women and by men. Was prejudice in the workplace a factor militating against women's choice of certain types of profession, such as engineering?

47. It was his understanding that some States permitted certain types of non-government school to apply discriminatory measures regarding religion or marital status. Did the Commonwealth Government see such discrimination as grounds for restricting funding to those institutions?

48. Turning to the area of cultural rights, he asked whether it was perceived that all Australians should have equal access to Australia's cultural heritage. While applauding the sentiments expressed in paragraph 218 of the report, he wondered whether that paragraph did not reflect intentions rather than reality. To what extent was the English-speaking cultural majority encouraged to study the languages of the minorities? In other words, was multiculturalism a two-way process? Lastly, he asked for clarification regarding the nature of the "vulnerability" referred to in paragraph 328 of the report.

49. Mr. KOUZNETSOV asked to what extent university administrations and other institutions of higher learning were obliged to comply with government directives.

50. Mr. TEXIER asked for fuller details concerning the role of the Human Rights and Equal Opportunity Commission referred to in paragraph 6 of the report, and, in particular, concerning its composition. Did it comprise only representatives of the State, at Federal or State level; or did it also include representatives of civil society, such as members of non-governmental organizations and trade unions? Reference was also made to the Attorney-General's Department. Did the Attorney-General have a specific role with regard to human rights?

51. On the issue of indigenous populations, he asked for an elucidation of the Australian delegation's conception of multiculturalism. He had been struck by the reference, in paragraph 217 of the report, to the rejection of approaches that concentrated on integration. All cultures must have equal access to the apparatus of the State; and attainment of that goal involved a process of integration. How was equality of the indigenous populations vis-à-vis the various immigrant populations ensured, and what was done to preserve the indigenous cultures, especially in the specific context of commemoration of International Year for the World's Indigenous People?

52. Lastly, he had the impression that private sponsorship played a greater role than State involvement, whether at Federal or State level, in the promotion of cultural events generally. Was that in fact the case, and if so, was it the result of a deliberate policy?

53. Mrs. BONOAN-DANDAN said that the high level at which Australia was represented was a tribute to the seriousness with which it viewed its obligations under the Covenant. Like Mr. Rattray, she was still unclear as to the exact implications of the concept of "voluntary fees". In particular, she had the impression that the legal protection referred to in paragraph 11 (b) of the list of issues had not been cited by the delegation in its reply. She wished to know to what extent Australia had institutionalized human rights teaching at the various levels of education. She also asked for specific illustrations of the exact nature of the negotiation process that took place between the Federal Government and the State authorities with a view to hammering out policies to surmount the various impediments to realization of the right to education. Lastly, a flourishing programme of arts exchanges existed between her country and Australia, involving painters, sculptors, weavers and other craftsmen. She was curious to know why, in spite of the wide range of indigenous themes embraced by those artists, no genuine representative of the Australian indigenous groups had ever participated in the programme.

54. Mrs. JIMENEZ BUTRAGUEÑO asked what importance was attached in Australia to the continuing education of adults with a view to improving their occupational skills or providing vocational retraining. Regarding the elderly, she asked what proportion of students in Australian universities were elderly persons; and whether use was made of their experience by providing them with opportunities to work as volunteers in social and humanitarian projects. Were special facilities, such as free admission, extended to elderly persons wishing to attend cultural events; and were elderly persons used as transmitters, rather than merely as recipients, of culture?

55. The CHAIRPERSON invited the Australian delegation to respond to members' oral questions.

56. Mr. JONES (Australia) said that the provision in Australian law regarding censorship was intended as a reserve power for a contingency that had never in practice arisen. That reserve power could in any case be challenged in the courts if it were deemed by some to be illiberal. As a former Minister of Customs, he could not recall any case having arisen, during his three years as Minister, of any work of art, film or book being held up by customs. Australia had taken a liberal - some might say excessively liberal - stance. The major issue in recent years had been access to pornographic video material: Federal law prohibited the importation of such material, and States had passed legislation prohibiting its sale or hire. However, the question arose whether interception by the postal authorities of pornographic material posted from one State to another might not constitute an impediment to communications between States, and thus be prohibited under the Constitution. That question had not yet been resolved.

The meeting rose at 6 p.m.